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TO A
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RELATING TO THE
Late BILL,
CONCERNING HIS
ROYAL HIGHNESSE.

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LONDON, Printed in the Year 1679.

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*A Letter to a Baron of England relating to the late
Bill concerning his Royal Highness.*

My Lord,

YOU may remember that in the Session 1673, there was a Project of an Act of Parliament, that the Heir of the Crown should not marry a Papist, without Consent of Parliament; which I did then a little sally upon in a Letter to your Lordship: but that Design, with the Author being soon after laid aside, I shall not at all reflect upon; for now that Vizard being thrown by, and the bare-fac'd way of proceeding against the Duke of York in a Bill of the Lower House being trump'd up in the room of it, which as it may be believed may be recalled this next Parliament, considering the present posture in relation to Election, I shall with all humility animadvert upon it to your Lordship; where I shall take no notice of the Pamphleteers of either side, or their impertinent Scripture-presidents, but barely lay down my own Sentiments of what may in probability happen in the Case. It is generally resolv'd that no man loves to be deceived, and I think, if possible, fewer to be undeceived; for the former is only an Argument of humane frailty, coincident to all Mankind; when as the latter magnifies the Director or Undeceiver more than usually can be grateful to the relieved person, considering the pride of humane Nature; yet it is not so amongst the Ingenious: I shall therefore, having more than moral assurance of your Lordships Candor, make some Remarks upon the Business, from former Examples, that being the only true way of taking measure of Conringences, or what may hereafter happen upon parallel or like occasions. The interruption of the Succession has often been successfull enough attempted as to your Walls; yet when those Acts were expected to work, as to other places they signified but little. The first time that ever the Parliament took notice of it, was in the time of Henry 4th, who having deposed Richard 2; a Crime I need not aggravate, and waving the pretended Title of Edmond Crouchback; whether call'd so, from being Crossed to the Holy Land, or from some deformity, or both, I'll not determine. The Crowns of England and France were entail'd upon the Heirs of his Body, and likewise upon the Heirs of his four Sons, and confirmed by Act of Parliament, and who could have thought but that these Cautious Provisions seconded by the Valour and prodigious Success of that Noble Prince Henry 5. had buried the Hopes of every Competitor under the despair of recovery, yet when Richard Duke of York made his claim in the House of Lords, Henry 6. then living, though corroborated by the Circumstance of R. 2. his Resignation, this Entail was never talk'd on: nor had that Act the honour to be repealed in Edm. the Fourth's time; so little respect was given to that Act of Disinheritance. Such a kind of Act

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S. W. R. Pref.

was passed by *Rich. 3.* to confirm his Title, with the like success. The next that came upon the Stage, was *Henry 7.* who waving his *Queen*, whose Title was without question, settled the *Crown* upon his own Heirs by Act of *Parliament*, as the *Chronicles* tell us; (not without authority I suppose) though it be left but in the *Printed Statutes*; yet being not at all satisfied with that Settlement, was wonderful jealous of all of the House of *York*: witness his usage of the Innocent *Earl of Warwick*, and his in a manner forcing the *Earl of Lincoln* out of the Hands of the *Arch-Duke*, to an *English Prison*; and though his Title never came to be disputed, God better providing for this Nation; yet it may be more than probably presumed, by what happened before, that his Issue by another Lady, could not have had better Success against the Princely House of *York*, than *Adonijah* had against *Solomon*. Afterwards in the 25 of *Hen. 8. Cap. 22.* it was Enacted after a specious Pretence of calling to mind Divisions which in time past had been within this *Realm*, by reason of several Titles pretended to the Imperial Crown, which for the most part proceeded out of Ambiguities and Doubts then not so perfectly understood, but that men might upon forward intents expound them to every mans sinister Appetite and Affection (which by the way is begging the Question, for in truth no Act can settle a Discent surer than the Common Law has done) and so goes on, after a long Preamble (too large here to insert) to the Body of the Act, which is to the Disherison of Lady *Mary*, and settles the Crown by special words, upon his Issue Female, for want of Issue Male by the *Lady Anne Bullen*. But now see the Vanity of worldly Affairs; the same King in the 28th Year of his Reign, *Cap. 7.* caused another Act to pass, wherein he Bastardized and made illegitimate to all intents and purposes the Issues betwixt him and the *Lady Anne Bullen*, and barr'd them to Claim, Challenge or Demand any Inheritance as Lawful Heir, or Heirs to him by *Legal Descent*, the said former Act to the contrary notwithstanding, and did so strengthen this last Act by Words, if Words have any strength in them, as never any was; for he made it Treason for any by *Words, Writing, Printing, or any other exterior Act directly, or indirectly* to call any of the Children born under the unlawful Marriages (viz) of *Katherine and Anne Bullen* legitimate: And to make the thing more sure, it was Enacted That an Oath should be Administred of bearing Faith, Truth and Obedience to Himself for Life, and after, to his Heirs of the *Lady Jane Seamour* begotten, and to be begotten, and further to the Heirs of the King according to the Limitation in this Act made. And further, by the said Act it is enjoyned, That all Subjects as well *Spiritual, as Temporal*, suing Livery or Oustrelemain, or doing Fealty by reason of the Tenure of their Lands, shall take this Corporal Oath; and if any shall wilfully refuse it, or when he shall be examined upon Interrogatories, shall Protest, and say, for or concerning the Act, that they be not bound to declare their Thoughts and Conscience, and stily thereon abide, that then every such person so doing, for every such Offence, shall be taken, and accepted for an Offender in High Treason, and shall suffer Pains accordingly as they are in the Act limited and appointed.

And now to confirm you, My Lord, in the Vanity of this Provision about Succession, The same King enacts, and I think the Term proper enough

enough as to him; the 35th. of his Reign, C. 1. *That for default of Prince Edw. and others the Heirs of his own Body, the Crown shall descend to Princess Mary, and her Heirs, and for default of her, to Princess Elizabeth and her Heirs;* without the least taking notice of their being formerly so signally Bastardized, or Repealing the said Acts; and then for default of these two Princesses, to the use of his Letters Patents, under his Great Seal; or his last *Will in Writing*, and signified with his most Gracious Hand; which was accordingly made, and by it he Barred upon the Failure of his own Issue, the Issue of his Elder Sister, affirming; *That the cold Air of Scotland had frozen up the Blood Royal of England in the North;* and settled the Remainder upon the Issue of Mary the younger Sister; and upon failure of them, to his right Heirs. We will now examine, by your Lordships good leave, what became of those strong and prepens'd Settlements, contrary to the Common Law, of Henry 8. for you have already had an Account of what did, or might probably have become of the rest: No sooner was Edw. the 6th. dead, but his Sister Mary, notwithstanding the Proclamation of *Jane*, boldly pretended to the Crown, as her Right; Nay, the Norfolk and Suffolk Gentlemen, though she had given sufficient Testimony of her averseness to the Religion then established, were the first and chiefest, that without respect to, or the least talking of the unrepealed Act of *Illegitimation*, asserted her Right, and that so powerfully, that the Duke of Northumberland; then Queen *Janes* General, proclaimed her himself at Cambridge. The like Fate had the Act of *Illegitimation* against Queen Elizabeth; whose coming to the Crown was not in the least disputed by the greatest Abettors of Popery, though she had given Testimony against it; but accepted by all, even by a Popish Parliament, then sitting at Westminster; and accordingly by them proclaimed Queen; though it is more than probable that some Members of that Parliament had been so formerly, when she was Illegitimated to all intents and purposes: from whence it may be observed that though the English are great Bigots in Points of Religion, yet they are greater in Point of Regal Succession; otherwise these two Princes would have found more difficulty than they did in the latter.

Some may now object, That these two last Princesses claiming by the Act of Settlement, facilitated their Succession; and so that those Examples are improper; but it may be presumed, their Descent was the stronger Argument, as it may appear by what I shall now offer; for when King *Janes* came to the Crown, King Henry's Will, though Confirmed *Primo Elizabethæ*, C. 3. was no more taken notice of than an Old Almanack, nor so much as pleaded by Cobham, Brooks, *Walson* the Priest, nor any of that Gang of Conspirators, though they made use of a very weak Plea, that is, of the King's not being Crowned. It's true, there is a Foreign President for the Successions; in point of Religion, of the Swedes, in the Case of *Sigismund* of Poland. That none should enjoy any Lands in, nor consequently be King of Sweden, that was not of the *Augustan* Confession; and as it is yet in Poland, as I have been informed, none is to be King that will not hear Mass once a year. But these being degenerated into Elective Kingdoms;

the States or Electors may impose any Terms on the Elected, without any Injustice at all, like some of the *Americans*; who chuse him King that can endure the longest with a Log upon his shoulders; but this is not, nor ought to be a President to any Hereditary Monarchy.

Thus, My Lord, I have given you the Sence of the Business; withal telling your Lordship, let Peoples Countenances be now what they will, you'l find upon occasion, they will be as zealous for the Descent according to Common Law, as their Ancestors. Besides all these Examples, you may remember, My Lord, what happened since 1648, since when the Government has altered, as some of the Nation may very well remember, oftner than *Zuban* changed *Jacob's* Wages, and still the more forcibly to defeat the Succession, what Laws by the Powers were made, what Engagements to secure the Usurpation? Did they not divide the Crown and Church-Lands, besides Delinquents Estates, as they they term'd them, among their Soldiers, the better to ascertain their unjust acquisitions? Did not all those Powers, as they succeeded, as one man, endeavour to keep out the right Heir? Now what followed? No sooner did they grow weary, but the power devolved into such hands, as the most proper way to secure themselves, brought the Succession into the right Channel again. Nay that Army that was not to be beaten by all the joint-Powers of the World, were so tired with those often Changes; that they grew so rancie, as to suffer many of their Officers to be hang'd, and themselves, to the Eternal Fame of their great Captain, Disbanded, and stripp'd of all their Purchases; so powerfully did the Argument of the Heir at Law work, even with the *Impious* and *Hireling* Soldier; and so you may be sure it will again upon occasion, with every true *English* man of any Religion forever.

I have something now to say to your Lordship as to the *Law-Part* of the thing. Though it should grow an Act, it is very disputable whether it be binding or no: For there are many things so incident in Power to a King, as are not in the Power of any Parliament to take away, as the Power of making War and Leagues, the Power of the Coin, and the Value of Coins, and many other Monarchical Powers and Prerogatives, which to be taken away, were against Natural Reason, and are Incidents so inseparable, that they cannot be otherwise by Parliament. Your Lordship may remember what that Noble Lord said at the Opening of the *October Session* 1673. That the King could not sell the *Fisbery*. Now if (My Lord) none of these can be done by any Power, neither can Conditions be put upon the Succession; much less the Succession altered; for it is more incident in Power to the Crown, than any other thing whatsoever.

Wave therefore (My Lord) these kind of Thoughts for the future; for all Acts that can be made about Succession, directly or indirectly, are no more able to resist the Common Law in that Matter, than dry and untwined Flax is a Blazing *Flambeau*. This Device of altering the Succession hath been practised abroad to as little purpose as at home. Pray what became of that Solemn Act of State in *France*, of Disinheriting *Charles the Dolphin*, and conveying his Right to *Henry the Fifth of England*, in Right of his Wife *Katherine of Valois*? As
likewise

likewise the advised Declaring the *Cardinal of Burbon* King, by the Name of *Charles* the Tenth, to the prejudice of *Henry* the Great, his present *Majesties* Royal Grandfather? Besides all this (My Lord) this matter hath an ill Aspect; it much resembles at a Blush, the Doctrine of *Sorbon*, which prohibited *Hereticks* and *Favourers of Hereticks*, although they obtain an outward Absolution of his, or their Crimes, if there remain any Doubt of *Diffimulation*, from being King: However I am sure it is parallel enough to the Practises of that Bloody House of *Guise*, who sent their Agents to *Rome*, to beseech the Consistory to approve and favour their Designs, which were to overthrow the Succession, in a full Assembly of the *Estates*, and to make the naming a Successor subject unto the said *Estates*.

I have now no more to trouble your Lordship with, but only to desire you to call to mind that the Pope's Power was not thrown off in *England* at first upon the Account of Religion, but only as being too Unmannerly and Encroaching upon the just Prerogatives of our Princes. I make no Application, as knowing your Lordship to be so wise as not to want Assistance of that Nature, from,

My Lord,

Your most Humble and

Devoted Servant.

FINIS.